

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 1-44 were originally presented for consideration in this application. No claims have been canceled or added. Accordingly, claims 1-44 are currently pending in this application.

The following rejections were set forth in the Office Action:

1. Claims 1-5, 8, 9, 11, 17, 18, 22-24, 29-32, 35-37 and 44 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,470,996 to Kyle et al.;
2. Claims 6, 7, 12-16, 25-28, 33, 34 and 43 stand rejected under 35 USC §103 as being unpatentable over Kyle in view of U.S. Patent No. 6,899,178 to Tubel;
3. Claims 10, 19-21, 41 and 42 stand rejected under 35 USC §103 as being unpatentable over Kyle in view of U.S. Patent No. 6,626,248 to Roberts et al.;
4. Claim 38 stands rejected under 35 USC §103 as being unpatentable over Kyle in view of art described in the specification; and
5. Claims 39 and 40 stand rejected under 35 USC §103 as being unpatentable over Kyle in view of U.S. Patent No. 4,314,365 to Petersen et al.

Regarding the anticipation rejections based on the Kyle reference, please note that the independent claims 1 and 18 have been amended above to make it clear that the signal converter, in which the acoustic signal is converted to a non-acoustic signal, is fixedly interconnected as a part of the tubing string. In contrast, Kyle describes an

acoustic to electrical signal conversion being made in a probe reciprocally suspended within a tubing string.

As stated by the examiner in section 2, page 1 of the Detailed Action of the October 6, 2006 Office Action, the probe 32 described by Kyle is not fixedly connected to the tubing structure. Therefore, Kyle does not anticipate the amended claims 1 or 18, and the examiner is respectfully requested to withdraw the rejections of these claims and their dependents.

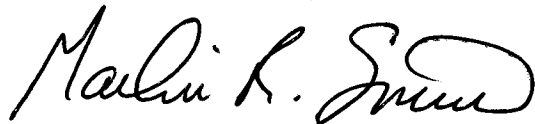
Regarding the obviousness rejections, as discussed above, the Kyle reference does not describe the features of the invention now recited in the amended independent claims 1 and 18. Therefore, the limitations of the dependent claims which are rejected as being obvious over the Kyle reference combined with other references are also not described, and the examiner is respectfully requested to withdraw the obviousness rejections.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 1-44 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

SMITH IP SERVICES, P.C.

A handwritten signature in black ink, appearing to read "Marlin R. Smith". The signature is fluid and cursive, with the first name "Marlin" being the most prominent part.

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